

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

DOCKET NO. 2002-427

OCTOBER 29, 2002

MAINE PUBLIC UTILITIES COMMISSION  
Investigation of Damage to  
Underground Facilities for 2002

Order Granting Waiver Of Rule  
To Allow Additional Time To  
Schedule Informal Conferences

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Chapter 895 of the Commission's Rules, entitled "Underground Facility Damage Prevention Requirements," establishes a process by which the Commission will conduct enforcement procedures for violations of the State's damage prevention law. Section 7(C)(2)(b) states that, if a respondent contests a Notice of Probable Violation (NOPV), the Commission shall conduct an informal conference "no less than 21 days, and no more than 60 days, from the issue date of the NOPV." Section 12 of the Rule allows the Commission, either on request of any person subject to the Rule or on its own motion, to waive any of the requirements of the Rule that are not required by statute where good cause exists. The Commission, Director of Technical Analysis, or Presiding Officer of a case brought under this Rule may grant a waiver provided that the granting of the waiver would not be inconsistent with the purposes of Chapter 895 or Title 35-A.

Due to the number of NOPVs that the Commission is currently processing for 2002, the number of informal conferences that have been requested, and the Commission's available resources to handle these conferences, it is not possible to accommodate the present number of informal conference requests within the time period allowed in the Rule. These procedural time limits were included by the Commission in its Rule but are not contained in the damage prevention statute (23 M.R.S.A. § 3360-A). Because I find there is good cause to grant an extension of time and a waiver would not be inconsistent with the purposes of Chapter 895 or Title 35-A, I grant an extension of time until *December 15, 2002* to schedule informal conferences for the following cases:

<b>NOPV</b>	<b>COMPANY</b>	<b>NOPV</b>	<b>COMPANY</b>
02-105-e	A E McQuade	02-152-e	H B Fleming -
02-119-e	Town Of Solon	02-155-e	O'Brien Brothers Inc
02-123-o	Verizon	02-159-e	M Welch & Sons, Inc.
02-133-e /02-136-e	Longchamp & Sons	02-165-e	White Mountain Cable
02-140-e	Lou Silver, Inc	02-164-o/02-165-o	CMP
02-143-e/02-144-e	On Target Construction	02-168-e	18th Century Restorations
02-151-e/02-155-e	On Target Construction		

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Faith Huntington, Acting Director  
Technical Analysis Division